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RESPONSE
UNDER 37 C.F.R. §1.116
** EXPEDITED PROCEDURE **

Docket No.: 1293.1948

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-sig KWON

Confirmation No. 4673

Serial No. 10/674,477

Group Art Unit: 2187

Filed: October 1, 2003

Examiner: Than Vinh NGUYEN

For: RECORDING METHOD AND RECORDING APPARATUS USING SAME

REQUEST FOR WITHDRAWAL OF FINALITY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

Applicant respectfully requests withdrawal of the finality of the Office Action mailed April 13, 2007. Section 706.07(a) of The Manual of Patent Examining Procedure instructs that:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. § 1.17(c) with the fee set forth in 37 C.F.R. § 1.17(p).


In the final Office Action mailed April 13, 2007, a new ground of rejection was made. Specifically, a rejection of claims 1, 2, 8, 9, and 21 under 35 U.S.C. § 102 was made for the first time. This rejection, the final Office Action explains, was necessitated by the Office's "inadvertent mistake." (Office Action, page 2, item #3). Thus, the new rejection under 35 U.S.C. § 102 was not necessitated by a claim amendment or based on information submitted in an information disclosure statement. For this reason, it is submitted that finality of the Office Action mailed April 13, 2007 is precluded.

Accordingly, Applicant respectfully requests withdrawal of the Finality of the Office Action mailed August 13, 2007 in accordance with MPEP §706.07(a).

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5-25-07

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